

ORDINANCE NO. 1288

AN ORDINANCE REPEALING ORDINANCE 522
AND REENACTING A NEW ORDINANCE REGULATING
AND LICENSING CARD ROOMS IN THE CITY OF
LODI, PROVIDING FOR THE REGULATION OF THE
OWNERS AND EMPLOYEES OF SUCH ESTABLISHMENTS;
FIXING A PENALTY FOR VIOLATIONS

Be it Ordained by the City Council of the City of
Lodi.

Section 7-1. Card Room Defined.

For the purpose of this chapter, a "card room" is defined to be any space, room or enclosure, furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to the public, or any portion of the public; provided, however, that this section shall not apply to any bona fide religious, nonprofit society, club, fraternal, labor or other organization as defined in Section 7-2 hereof, where the use of the card room tables are for the exclusive use of its members, no charges are made for the use of the facilities, and the operation of the card room is incidental to the main purpose of the religious, society, club, fraternal, labor and other organizations.

Section 7-2. Nonprofit Organization Defined.

A nonprofit religious, society, club, fraternal, labor or other organization shall mean an entity which:

- (a) Has adopted by-laws, and duly elected directors and members; and
- (b) Has received a certificate from the California Franchise Tax Board and the United States Internal Revenue Service recognizing its tax exempt status.

Section 7-3. License-Required

It shall be unlawful for any person to engage in or

carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any card room in the city without first having secured a license to do so, or without complying with each regulation contained in this chapter pertaining to such card room.

Section 7-4. Compliance with State Law Required

Any person or persons wishing to apply for any license or permit authorized in this chapter must comply with not only this chapter, but with Sections 330 through 337 of the California Penal Code. In each case where a license is issued, it shall be nontransferable.

Section 7-5. Application for License.

Any applicant for a card room license shall submit his application to the Chief of Police of the City of Lodi which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The term "persons financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue. The past criminal record, if any of the applicant and of all persons financially interested in the business shall be shown on such application. The application shall also be accompanied by fingerprints of the applicant and of persons financially interested in the business.

The applicant shall pay a fee to the Finance Department of the City of Lodi to defray the cost of investigation in an amount as may be fixed and established from time to time by Resolution of the City Council.

Section 7-6. Chief of Police Shall Approve or Deny License.

The Chief of Police shall deny any applicant for a

card room license, a license to operate such room if:

(a) Said applicant has previously been convicted of a felony and a period of five (5) years has not expired from date of termination of confinement, parole and/or probation, or

(b) Said applicant has previously been convicted of one of the following misdemeanor violations and a period of three (3) years has not elapsed from the date of termination of confinement, parole and/or probation:

- (1) Any theft from a person;
- (2) Any theft involving cheating;
- (3) Any series of petty thefts;
- (4) Any crime involving pimping, pandering or prostitution;
- (5) Any crime involving bookmaking or gaming;
- (6) Any crime involving narcotics or dangerous drugs.

Section 7.7. Appeal from Denial.

The action of the Chief of Police in denying such a license shall be subject to an appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten days after the denial of the license. Upon failure to file such notice within the ten-day period, the action of the Chief of Police in denying such license shall be final and conclusive.

Section 7-8. Card Room Employee Work Permits.

Each card room employee must obtain and possess a valid work permit issued by the Chief of Police. Card room employees for the purpose set forth herein, are defined as dealers, overseers, and others directly connected with the operation and supervision of the card tables excluding waitresses, bartenders, culinary workers and others not connected with such operation and supervision. Applications for such work permits

shall be submitted under oath and contain the past criminal record, if any, of the applicant and such information as may be necessary to determine whether the applicant is a proper person to be employed in a card room. The application shall be accompanied by fingerprints of the applicant. A work permit shall be issued only to persons twenty-one (21) years of age or older.

Section 7-9. Chief of Police Shall Approve or Deny Employee Work Permit.

The Chief of Police shall deny to such applicant a work permit if:

- (a) Said applicant has previously been convicted of a felony, and a period of five (5) years has not elapsed from the date of termination of confinement, parole and/or probation; or
- (b) Said applicant has previously been convicted of one of the following misdemeanor violations and a period of two (2) years has not elapsed from the date of termination of confinement, parole and/or probation:
 - (1) Any theft from a person;
 - (2) Any theft involving cheating;
 - (3) Any series of petty thefts;
 - (4) Any crime involving pimping, pandering or prostitution;
 - (5) Any crime involving bookmaking or gaming;
 - (6) Any crime involving narcotics or dangerous drugs.

Section 7-10. Appeal From Denial of Card Room Employee Work Permit.

The action of the Chief of Police in denying such work permit shall be subject to an appeal to the City Manager. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the denial of said

work permit. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in denying such work permit shall be final and conclusive.

Section 7-11. Fee for Card Room Employee Work Permits.

(a) Each application for a work permit shall be accompanied by an application and fee, to be paid to the Finance Department of the City of Lodi in an amount as may be fixed and established from time to time by Resolution of the City Council. Said fee shall not be returned in the event that such work permit is refused, revoked or suspended as herein provided. Said work permit shall be valid even though the holder of said permit may change his place of employment within the City of Lodi. Upon approval of a work permit, the work permit shall be valid, unless suspended or revoked, for a period of one (1) year from date of issuance.

(b) In order that the Chief of Police may investigate the applicant's qualifications and fitness to receive a Card Room Employee Work Permit, every applicant shall be photographed and fingerprinted.

Section 7-12. Renewal of Work Permit.

Any person who holds a valid Card Room Employee Work Permit may obtain a new permit for the succeeding year by applying for said new permit during the month preceding the expiration date of the current permit. Cost for said new permit, which shall include the cost of a new identification card, shall be paid to the Finance Department of the City of Lodi, and shall be an amount as fixed and established from time to time by Resolution of the City Council.

Section 7-13. Failure to Obtain New Permit.

If the holder of a Card Room Employee Work Permit fails to renew said permit, his permit shall cease to be

valid and he must make application for a new permit, if desired, as provided above.

Section 7-14. Suspension or Revocation of Card Room License or Card Room Employee Work Permit.

The Chief of Police shall have the right for cause to revoke or suspend any card room license or card room work permit issued hereunder and to take possession of such permits. Any of the grounds upon which the Chief of Police shall be required to refuse to issue an initial card room license or card room work permit shall also constitute grounds for such revocation or suspension. In addition, the failure of a holder of a card room license or card room work permit to comply with the provisions set forth herein shall also constitute grounds for revocation or suspension of such license or work permit.

Suspension or revocation of a card room work permit shall be made only after a hearing granted to the holder of such permit before the Chief of Police, after five (5) days' notice to said permit holder, setting forth the grounds of the complaint against him and stating the time and place where such hearing will be held. The action of the Chief of Police in this respect shall be subject to an appeal to the City Manager. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the revocation or suspension. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in revoking or suspending the license or work permit shall be final and conclusive.

Section 7-15. Extension or Revocation of Licenses and Permits; Appeal Therefrom.

The Chief of Police shall have the right for cause to revoke or suspend any card room license or card room work permit issued hereunder and to take possession of

such permits. Any of the grounds upon which the Chief of Police shall be required to refuse to issue an initial card room license or card room work permit shall also constitute grounds for such revocation or suspension. In addition the failure of a holder of a card room license or card room work permit to comply with the provisions of this chapter shall also constitute grounds for revocation or suspension of such license or work permit. The action of the Chief of Police in this respect shall be subject to an appeal to a board of appeals composed of the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the revocation or suspension. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in revoking or suspending the license or work permit shall be final and conclusive.

Section 7-16. Rules and Regulations.

It shall be unlawful to operate a card room in violation of any of the following regulations and rules:

- (a) Not more than one card room shall be located at any one address.
- (b) No game except low-ball, draw poker, without variations as defined by Hoyle, pinochle, pangini, rummy, and contract or auction bridge shall be played in any card room.
- (c) Not more than six tables shall be permitted in any card room.
- (d) Not more than seven players shall be permitted at any one card table.
- (e) Card rooms shall be located on the ground floor, and so arranged that card tables and the players at the tables shall be plainly visible from the front door opening when the door is opened. No

wall, partition, screen or similar structure between the front door opening on the street and any card table located in the card room shall be permitted if it interferes with the visibility.

- (f) No minor shall be permitted at any card table, nor shall any minor be permitted to participate in any game played thereat.
- (g) All card rooms shall be closed at 2:00 a.m. and shall remain closed until 10:00 a.m. of the following day. Card rooms may be operated seven days a week.
- (h) All card rooms shall be open to police inspection during all hours of operation.
- (i) Only table stakes shall be permitted.
- (j) The cashing of bank checks for players shall not be permitted in any card room.
- (k) Each card table shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played strictly in accordance with the terms of this chapter, and with the provisions of the Penal Code of the State. This person may have more than one table under his supervision. He shall not, however, participate in the game.
- (l) No signs or other insignia advertising or relative to card rooms shall be permitted upon the exterior of any premises occupied as a card room.
- (m) There shall be posted in every card room in letters plainly visible from all parts thereof, signs stating that no game except lowball, draw poker without variations as defined by Hoyle, pinochle, pangini, rummy and contract or auction

bridge shall be played in the card room. These signs shall also contain such other information relating to the regulations contained herein as the Chief of Police may require.

- (n) No person who is in a state of intoxication shall be permitted in any card room.
- (o) The sale, purchase, transfer, assignment, or pledge of any property, or of any document evidencing title to the same is prohibited in any card room.
- (p) The operator or his employees shall not extend credit to a player, nor shall he accept IOU's or other notes, loan money to any person on any ring, watch or other article of personal property for the purpose of securing tokens, chips or other representatives of money as an ante.
- (q) No shills shall engage in card games. This prohibition shall not apply to house players, provided they wear a badge in a conspicuous place, which badge identifies them as employees of the licensee.

Section 7-17. Games Prohibited by State Law Not Permitted.

The City Council hereby declares that it is not the intention of this chapter to permit the licensing of any card room for the playing of any game prohibited by the laws of the State, including but not limited to those games enumerated in Section 330 of the Penal Code of the State, which section includes banking and percentage games.

Section 7-18. Operators of card rooms shall be required to obtain a business license pursuant to Chapter 12 of the Lodi City Code.

Section 7-19. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7-20. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this sixth day of July, 1983

Mayor
City of Lodi

Attest:

Alice M. Reimche
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the city of Lodi, do hereby certify that Ordinance No. 1288 was introduced at a regular meeting of the City Council of the City of Lodi held June 15, 1983 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held July 6, 1983 by the following vote:

Ayes: Council Members - Murphy, Pinkerton,
Snider, & Olson
(Mayor)

Noes: Council Members - None

Absent: Council Members - Reid

Abstain: Council Members - None

I further certify that Ordinance No. 1288 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
City Clerk

Approved as to form

Ronald M. Stein
City Attorney